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SUBJECT: OSCE PERMANENT COUNCIL: KAZAKHSTAN INTERNET DRAFT
LAW INTERVENTION

1. (U) Post is authorized to present the following statement
at the May 7 Permanent Council meeting in Vienna.

Begin text:

Thank you, Madame Chairwoman,

The Internet is a powerful tool for information exchange and free expression that we believe has generally furthered the social and cultural development of societies. Mindful of the usefulness of the Internet and our OSCE commitments to the value of freedom of expression, as well as our own constitutionally guaranteed tradition of freedom of expression, the United States has been and remains unequivocal in its support of Internet freedom.

Earlier this year, we raised at the Permanent Council concerns about new draft legislation in Kazakhstan that could negatively affect public access, content and operation of Internet resources. We welcome the process of reform as Kazakhstan prepares itself to assume the chairmanship in office of our organization. It is important, however, that reforms that impact human rights and fundamental freedoms, such as freedom of expression, be consistent with Kazakhstan's OSCE commitments.

In this regard, we commend the government of Kazakhstan for its continuing work with the office of the Representative for Freedom of the Media and with its civil society in preparing new legislation related to the internet. Kazakhstan's hosting in April of an expert, Andrei Richter, sent by the Representative's office, was potentially a very positive step. We urge the parliament and government of Kazakhstan to take into account several concrete suggestions that have now been made on how to improve the draft law.

It has been correctly observed that reclassifying all Internet fora as "media outlets," subject to the restrictions of the media law, restricts freedom of expression, in contradiction of OSCE commitments. Classifying blogs, chatrooms and other Internet social networking sites as forms of journalism also could lead to deterioration of professional journalistic standards as well as erosion of freedom of expression that every citizen should enjoy.

To be consistent with OSCE commitments, we believe that any new law related to the internet should incorporate at least these key provisions:

Internet fora shall not be automatically classified as media outlets;

Clear criteria shall be laid out to determine which Internet outlets will be considered "media;"

Any speech restrictions need to be compatible with Kazakhstan's international human rights obligations and its OSCE commitments;

The government must not have the power to suspend media

outlets for punitive reasons;

And, there must be no blockage by the State of access to foreign Internet news and information sources.

We look forward to working with Kazakhstan to strengthen its work on the freedom of expression as the year of its chairmanship approaches.

Thank you, Madame Chairwoman.
CLINTON